

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

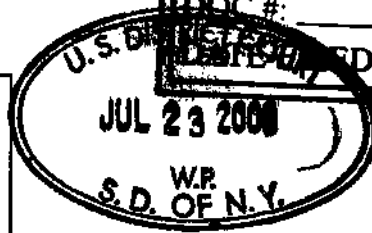
METLIFE LIFE AND ANNUITY COMPANY OF  
CONNECTICUT,

Plaintiff,

-v-

ANA NICOLE DELIO et al,

Defendants.



JUDGMENT

No. 07-CV-7215 (KMK)

KENNETH M. KARAS, District Judge:

The issues in the above entitled action having been brought on for trial on May 5, 2008 and May 6, 2008 before the Court and a jury, the Honorable Kenneth M. Karas, District Judge, presiding, and the Plaintiff METLIFE LIFE AND ANNUITY COMPANY OF CONNECTICUT having appeared by its counsel, Alvin Pasternak, Esq., and the Defendant ANA NICOLE DELIO having appeared by her counsel, James R. Carcano Esq., and Defendants BRIAN SOBIE and ZACHARY FARRELL SOBIE having appeared by their counsel, Noel Hauser, Esq., and Defendant, MICHAEL MENDELSON having not entered an appearance in this action, and the issues having been duly tried and the jury having rendered its verdict,

IT IS ORDERED AND ADJUDGED:

1. That the beneficiaries of the METLIFE LIFE AND ANNUITY COMPANY OF CONNECTICUT Annuity Contract number 921256-9785254 issued on April 24, 2001 to Estelle Sobie, deceased, are the ANA NICOLE DELIO GRANDCHILD TRUST and the ZACHARY FARRELL SOBIE GRANDCHILD TRUST; and
2. That Plaintiff, METLIFE LIFE AND ANNUITY COMPANY OF CONNECTICUT is hereby directed to deduct the sum of five thousand dollars (\$5,000.00) from said annuity for its reasonable attorney's fees and expenses incurred in this action; and
3. That after deducting its attorney's fees and expenses, Plaintiff shall liquidate, roll-over, or otherwise distribute the assets of the annuity contract and divide said proceeds into two (2) equal shares for the ANA NICOLE DELIO GRANDCHILD TRUST and the ZACHARY FARRELL SOBIE GRANDCHILD TRUST; and


4. That upon receipt of a completed annuity claim form and supporting documentation from the ANA NICOLE DELIO GRANDCHILD TRUST, Plaintiff shall distribute one share to the ANA NICOLE DELIO GRANDCHILD TRUST; and
5. That upon receipt of a completed annuity claim form and supporting documentation from the ZACHARY FARRELL SOBIE GRANDCHILD TRUST, Plaintiff shall distribute the remaining share to the ZACHARY FARRELL SOBIE GRANDCHILD TRUST; and
6. Upon payment by the Plaintiff of the annuity proceeds pursuant to this Judgment, METLIFE LIFE AND ANNUITY COMPANY OF CONNECTICUT shall be discharged from any further liability to any of the defendants.

Furthermore, the Court notes that during the June 2, 2008 conference before the Court, Defendant ZACHARY FARRELL SOBIE expressed his wish to no longer be represented by Noel Hauser, Esq. Therefore, barring an informed and knowing waiver of the conflict in this case from ZACHARY FARRELL SOBIE, Noel Hauser is prohibited from appealing the Judgment in this case on his behalf. Furthermore, Noel Hauser is required to provide a copy of this Judgment to ZACHARY FARRELL SOBIE so that ZACHARY FARRELL SOBIE may protect his interests in this litigation.

APPROVED.

Dated: July 23, 2008  
White Plains, New York

  
KENNETH M. KARAS  
UNITED STATES DISTRICT JUDGE

  
CLERK  
CLERK OF COURT  
U.S.D.C. / S.D.N.Y.

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